



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB3999

Introduced 1/9/2004, by Carolyn H. Krause

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 692/5
20 ILCS 692/10

Creates the Small Business Ombudsman Act. Creates the Office of the Small Business Ombudsman within the Department of Commerce and Economic Opportunity. Provides that the Office is charged with the responsibility of serving as a clearinghouse for State business information. Provides that the Governor must appoint a person to serve as the Small Business Ombudsman. Sets forth the duties and responsibilities of the Office. Amends the Small Business Advisory Act. Provides that the Office, rather than the Department, shall serve as a central clearinghouse notifying the small business community of each agency's rulemakings and changes in requirements, seeking input from the small business community on the changes, and maintaining a central small business advisory Internet web page.

LRB093 14724 BDD 40269 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning small businesses.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Small
5 Business Ombudsman Act.

6 Section 5. Definitions. In this Act:

7 "Agency" has the definition set forth in Section 1-20 of
8 the Illinois Administrative Procedure Act.

9 "Department" means the Department of Commerce and Economic
10 Opportunity.

11 "Small business" has the definition set forth in Section 5
12 of the Small Business Advisory Act.

13 Section 10. Creation; appointment.

14 (a) The Office of the Small Business Ombudsman is created
15 within the Department of Commerce and Economic Opportunity. The
16 Office is charged with the responsibility of serving as a
17 clearinghouse for State business information.

18 (b) The Governor, with the advice and consent of the
19 Senate, must appoint a person to serve as the Small Business
20 Ombudsman. The appointee must have experience in small business
21 administration. The Small Business Ombudsman shall serve at the
22 pleasure of the Governor.

23 Section 15. Duties and responsibilities. The Office has all
24 of the following responsibilities:

25 (1) To provide the public with an information resource
26 center that disseminates information regarding State
27 statutory and regulatory requirements to conduct business
28 in the State, including authoritative sources and
29 procedures and referrals to contact persons within the
30 appropriate State agencies.

1 (2) To establish a program in which the Office works
2 with the small business community to identify problems in
3 State government related to unnecessary delays in agency
4 regulatory actions, inconsistencies between regulatory
5 agencies, and the inefficient and ineffective use of State
6 resources.

7 (3) To track the number of contacts or inquiries
8 received each year by the Office, the nature of each
9 contact or inquiry, and the final resolution offered in
10 response to each contact or inquiry for the purpose of
11 recommending legislative and administrative revisions.

12 (4) To work with the State regulatory agencies to
13 determine the status of requests for information or
14 assistance and to resolve any disputes that may arise
15 between agencies and businesses regarding compliance with
16 laws, rules, or policies of the State or its agencies.

17 (5) To make legislative recommendations to the General
18 Assembly concerning issues affecting small businesses.

19 Section 20. Staff and administrative support. The
20 Department shall provide staff and administrative support
21 services to the Office as necessary.

22 Section 905. The Small Business Advisory Act is amended by
23 changing Sections 5 and 10 as follows:

24 (20 ILCS 692/5)

25 Sec. 5. Definitions. In this Act:

26 "Agency" means the same as in Section 1-20 of the Illinois
27 Administrative Procedure Act.

28 "Joint Committee" means the Joint Committee on
29 Administrative Rules.

30 "Office" means the Office of the Small Business Ombudsman
31 established under the Small Business Ombudsman Act.

32 "Small business" means any for profit entity,
33 independently owned and operated, that grosses less than

1 \$4,000,000 per year or that has 50 or fewer full-time
2 employees. For the purposes of this Act, a "small business" has
3 its principal office in Illinois.

4 ~~"Department" means the Department of Commerce and~~
5 ~~Community Affairs.~~

6 (Source: P.A. 93-318, eff. 1-1-04.)

7 (20 ILCS 692/10)

8 Sec. 10. Small business advisory web pages site.

9 (a) Within 6 months after the effective date of this Act,
10 each Agency must create and make available on the World Wide
11 Web a small business advisory page.

12 (b) Each agency that (i) has adopted or is preparing to
13 adopt any rule affecting small businesses or (ii) is designated
14 to administer legislation affecting small businesses that has
15 become law must prepare and post on its small business advisory
16 page a plain language explanation of the rule or legislation.
17 The explanation must indicate the effective date of the rule or
18 legislation. The explanation must remain posted for a minimum
19 of 6 months after the effective date of the rule or
20 legislation. Agencies shall consult with the Office ~~Department~~
21 and small businesses in developing uniform web page standards.

22 If a rule has been proposed but not adopted, an explanation
23 of the rule must be posted as soon as possible in order to
24 allow input and comment from affected small businesses. The
25 State agency must, in addition to posting a plain language
26 explanation of the rule, post notice of the time, date, and
27 place of any public hearings, together with the names,
28 addresses, and telephone numbers of the agency rulemaking
29 contact; what must be done by members of the public who wish to
30 provide testimony on the rulemaking; and the names and
31 Springfield and district office addresses and telephone
32 numbers of the members of the Joint Committee.

33 (c) When each agency updates its small business advisory
34 web page, it shall notify the Office ~~Department~~. The Office
35 ~~Department, through its First Stop Business Information~~

1 ~~Center,~~ shall serve as a central clearinghouse notifying the
2 small business community of each agency's rulemakings and
3 changes in requirements. Furthermore, the Office ~~Department~~
4 shall seek input from the small business community on the
5 changes and inform the appropriate agency and where applicable,
6 the Joint Committee, of the input.

7 The Office ~~Department,~~ as a part of its clearinghouse
8 function, shall maintain a central small business advisory web
9 page that shall serve as a coordinated point of access to all
10 agencies' business advisory web pages.

11 (Source: P.A. 93-318, eff. 1-1-04.)